

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for AUGUST 16, 2006 PLANNING COMMISSION MEETING

PROJECT #: Annexation #06011 and Change of Zone No.06046

This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

PROPOSAL: Change of zone from AG, Agricultural to R-3, Residential on approximately 22 acres and annexation of approximately 28.26 acres.

LOCATION: Southwest of the intersection of NW 56th St. and W. Adams St.

LAND AREA: Annexation- 28.26 acres, more or less
Change of Zone- 22 acres, more or less

EXISTING ZONING: AG Agricultural

CONCLUSION: The annexation and change of zone are in conformance with the Comprehensive Plan and annexation policy. All utilities are available to serve the area. However, substantial grading is required to provide acceptable water pressure and to serve the area with sanitary sewer.

RECOMMENDATION:	
Annexation	Approval
Change of Zone	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: see attached

EXISTING LAND USE: Agriculture/undeveloped

SURROUNDING LAND USE AND ZONING:

North:	R-3, Residential	Undeveloped
	AG, Agricultural	Undeveloped
South:	AG, Agricultural	Undeveloped
East:	R-3, Residential	Single family and attached single-family
West:	AG, Agricultural	Undeveloped

ASSOCIATED APPLICATIONS:

Special Permit #2045A Hartland's Cardinal Heights 2nd Addition Community Unit Plan
Administrative Amendment #06072 to Special Permit #1740-View Pointe West CUP.

HISTORY:

- November 8, 2004 Final Plat #04086, Hartland's Cardinal Heights 7th Addition for 56 residential lots was approved by the Planning Director.
- July 12, 2004 Annexation #03008, Change of Zone #04013 and Special Permit #2045, Hartland's Cardinal Heights 2nd Addition CUP for 72 residential lots was approved by City Council.
- March 18, 2002 Preliminary Plat #01017 and Special Permit #1940, Hartland's Cardinal Heights 1st Addition for 209 residential lots on the east side of NW 56th St. was approved by the City Council.
- Dec. 21, 1998 Preliminary Plat #97027, Hartland's Cardinal Heights Addition was approved by City Council.

COMPREHENSIVE PLAN SPECIFICATIONS:

The Land Use Map of the 2025 Comprehensive Plan identifies the proposed annexation area as Agricultural and is outside the future service limits. (F-23)

The land use plan displays the generalized location of each land use. It is not intended to be used to determine the exact boundaries of each designation. The area of transition from one land use is often gradual. (F-27)

Future Service Limit: The land use plan also displays the future service limit for the City of Lincoln. Land inside this line represents the anticipated area to be provided with urban services within the planning period. (F-28)

The provision of municipal services shall coincide with the jurisdictional boundaries of the City—in short, it is not the intent of the City of Lincoln to extend utility services (most notably, but not necessarily limited to, water and sanitary sewer services) beyond the corporate limits of the City. (F-154)

The extension of water and sanitary sewer services shall be predicated upon annexation of the area by the City. City annexations shall occur before any property is provided with water, sanitary sewer, or other potential City services. (F-154)

Land which is remote or otherwise removed from the limits of the City of Lincoln will not be annexed; land which is contiguous to the City and generally urban in character may be annexed; and land which is engulfed by the City should be annexed.

Annexation generally implies the opportunity to access all City services. Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (e.g. water, sanitary sewer) and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in the annexed area. (F-154,155)

UTILITIES:

- A. **Sanitary Sewer:** There is an existing 8" sewer main in NW 57th St. and W. Thatcher Lane to serve this addition.
- B. **Water:** There is an existing 6" water main to serve this addition.
- C. **Roads:** The proposed roads for this addition are all local roads. NW 56th St. is a rural gravel road. There are no plans to improve the street in the Capital Improvements Program.
- D. **Parks and Trails:** There are no parks or trails planned in this area.
- E. **Fire Protection:** The nearest fire station is located at 3401 NW Luke St.

ANALYSIS:

- 1. This is a request for annexation of 28.26 acres, more or less, and change of zone from AG to R-3 on 22 acres, more or less, located southwest of NW 56th St. and West Adams St. A portion of the area to be annexed is already zoned R-3.
- 2. The proposed annexation area is contiguous to the city limits and the adjacent property is zoned R-3. Hartland's Cardinal Heights 7th Addition and View Pointe West subdivisions are located east of the proposed annexation and change of zone.
- 3. Special Permit #2045A Hartland's Cardinal Heights 1st Addition CUP and Administrative Amendment #06072 to View Pointe West CUP have been submitted in association with this application.
- 4. An annexation agreement is not required for this development. All utilities are available.
- 5. This area is outside the future service limits and shown as agricultural in the land use plan. The comprehensive plan states that the future service limit line is an anticipated line, not an exact line. The comprehensive plan also states that the future land use plan displays generalized locations and is not intended to be used to determine exact boundaries of each land use designation. With substantial grading, up to 30 feet in some areas, this area can be served with water and gravity sanitary sewer.
- 6. Annexation policy:

- ! Land which is remote from the limits of the City of Lincoln will not be annexed; land which is contiguous and generally urban in character may be annexed; and land which is engulfed by the City should be annexed.
- ! Annexation generally implies the opportunity to access all City services. Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (i.e., water, sanitary sewer) and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in the annexed area.
- ! Plans for the provision of services within the areas considered for annexation should be carefully coordinated with the Capital Improvements Program of the city and the county."

Prepared by:

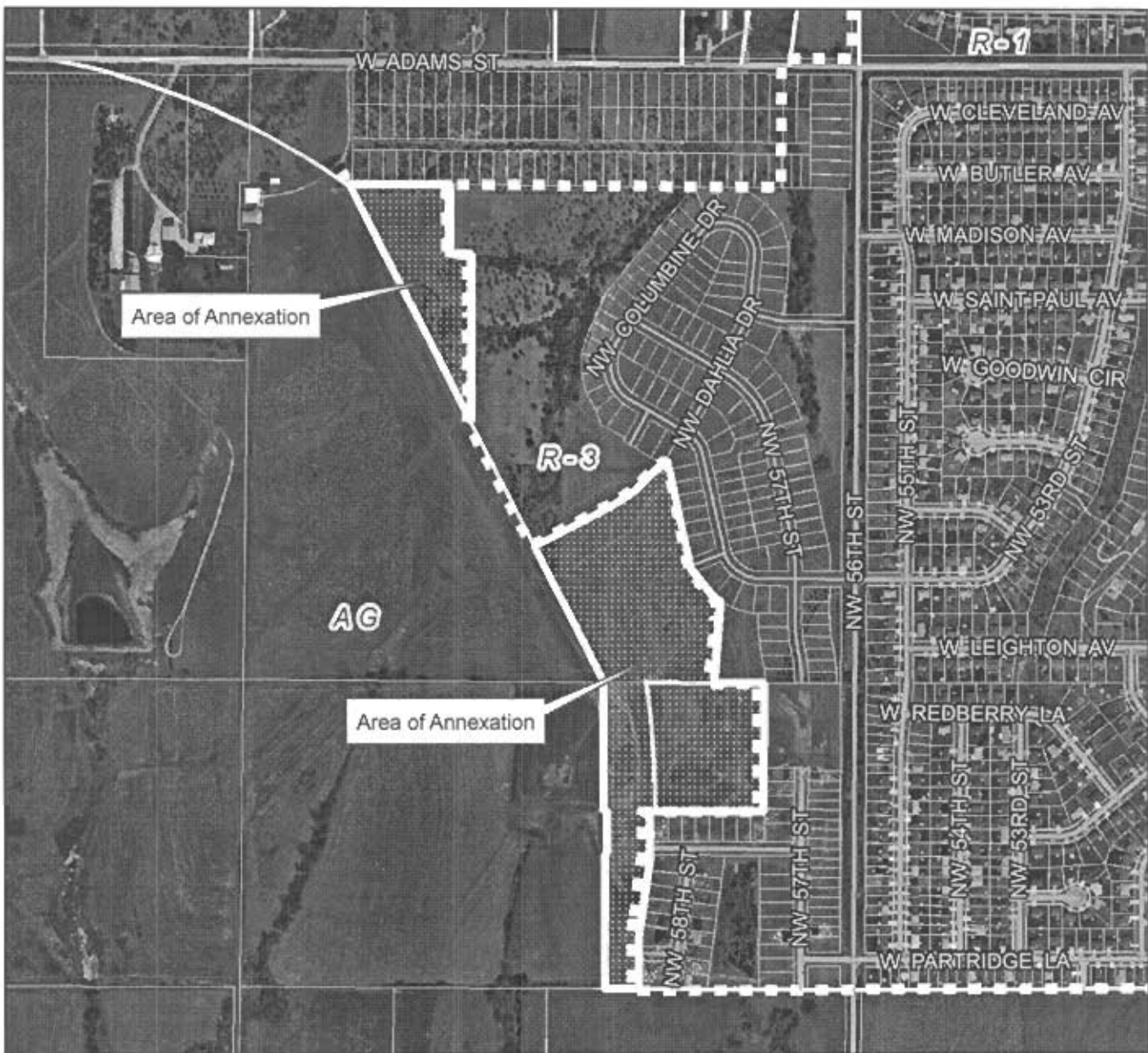
Tom Cajka
Planner

DATE: August 2, 2006

APPLICANT: ESP on behalf of Hartland Homes
601 Old Cheney Rd. Suite A
Lincoln, NE 68512

OWNER: Hartland Homes
P.O. Box 22787
Lincoln, NE 68512
(402) 477-6668

CONTACT: Lyle Loth
ESP
601 Old Cheney Rd. Suite A
Lincoln, NE 68512
(402) 421-2500



Annexation #06011 NW 58th & W Partridge La

2005 aerial

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

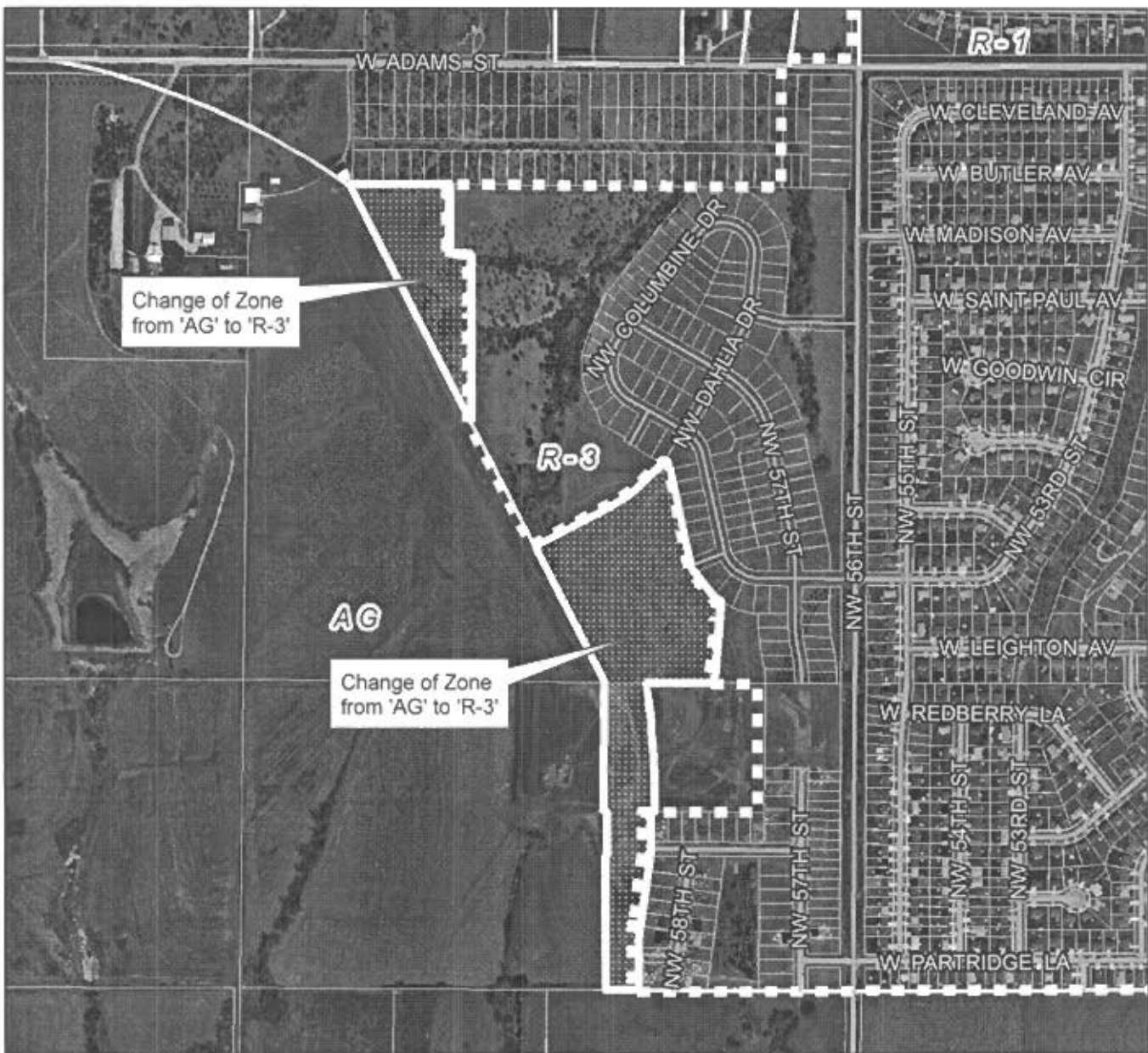
One Square Mile
Sec. 35 T11N R6E



Zoning Jurisdiction Lines

City Limit Jurisdiction





Change of Zone #06046 NW 58th & W Partridge La

2005 aerial

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
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P	Public Use District

One Square Mile
Sec. 35 T11N R6E



Zoning Jurisdiction Lines

City Limit Jurisdiction



**LEGAL DESCRIPTION
CHANGE OF ZONE & ANNEXATION
PARCEL 'A'**

A legal description of a portion of Outlot 'D', View Pointe West 1st Addition, located in the NE ¼ of Section 13, Township 10 North, Range 5 East, of the 6th P.M., Lancaster County, Nebraska, more particularly described as follows:

Commencing at the Northeast Corner of said Section 13 and extending thence S. 00°00'00" W. along the east line of said Northeast Quarter, 520.00 feet;

Thence N. 89°57'35" W., 2216.06 feet to the true point of beginning;

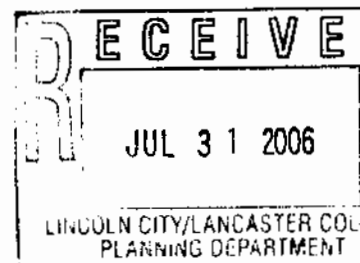
Thence S. 27°51'42" E., 1150.02 feet;

Thence N. 00°02'25" E., 716.33 feet;

Thence N. 89°57'35" W., 94.89 feet;

Thence N. 00°02'25" E., 300.00 feet;

Thence N. 89°57'35" W., 443.27 feet to the point of beginning containing an area of 5.62 acres, more or less.



**LEGAL DESCRIPTION
CHANGE OF ZONE
PARCEL 'B'**

A legal description of a portion of Outlot 'D', View Pointe West 1st Addition, located in the NE ¼ and a portion of Lot 23 I.T., located in the SE ¼ of Section 13, Township 10 North, Range 5 East, of the 6th P.M., Lancaster County, Nebraska, more particularly described as follows:

Commencing at the Northeast Corner of said Section 13 and extending thence S. 00°00'00" W. along the east line of said Northeast Quarter, 2647.25 feet;

Thence S. 89°56'40" W., 610.57 feet to the true point of beginning;

Thence N. 04°30'46" E., 352.20 feet;

Thence N. 58°44'48" W., 40.77 feet;

Thence N. 38°48'15" W., 152.55 feet;

Thence N. 12°30'00" W., 437.06 feet;

Thence N. 58°55'31" W., 36.01 feet;

Thence S. 49°53'16" W., 81.77 feet;

Thence S. 44°19'54" W., 75.88 feet;

Thence S. 53°14'12" W., 79.38 feet;

Thence S. 60°57'08" W., 69.56 feet;

Thence S. 62°08'16" W., 360.00 feet;

Thence S. 27°51'42" E., 655.37 feet;

Thence S. 00°00'00" W., 556.13 feet;

Thence N. 90°00'00" E., 16.40 feet;

Thence S. 00°00'00" W., 190.00 feet;

Thence S. 90°00'00" W., 6.34 feet;

Thence S. 00°00'17" E., 574.07 feet;

Thence N. 89°59'43" E., 150.00 feet;

Thence N. 00°00'17" W., 224.10 feet;

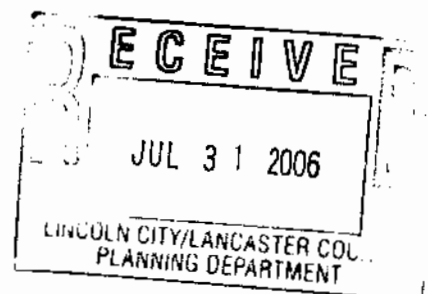
Thence N. 07°22'36" E., 352.88 feet;

Thence N. 00°00'00" E., 190.00 feet;

Thence N. 90°00'00" E., 18.00 feet to a point on a circular curve to the left having a central angle of 08°22'54", a radius of 3807.20 feet, and whose chord (556.45 feet) bears N. 03°40'13" W.;

Thence along the arc of said curve 556.94 feet;

Thence N. 89°56'40" E., 292.35 feet to the point of beginning containing an area of 16.41 acres, more or less.



**LEGAL DESCRIPTION
ANNEXATION
PARCEL 'B'**

A legal description of a portion of Outlot 'D', View Pointe West 1st Addition, located in the NE ¼ and a portion of Lot 23 I.T., located in the SE ¼ of Section 13, Township 10 North, Range 5 East, of the 6th P.M., Lancaster County, Nebraska, more particularly described as follows:

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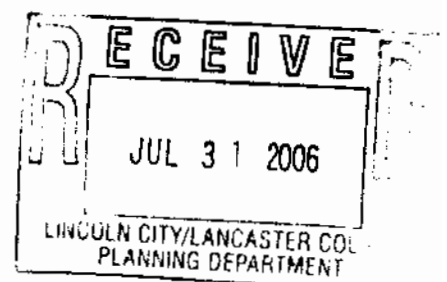
Thence N. 07°22'36" E., 352.88 feet;

Thence N. 00°00'00" E., 190.00 feet;

Thence N. 90°00'00" E., 495.30 feet;

Thence N. 00°00'00" E., 555.80 feet;

Thence S. 89°56'40" W., 220.57 feet to the point of beginning containing an area of 22.64 acres, more or less.





July 13, 2006

LYLE L. LOTH, P.E./L.S.

Mr. Marvin Krout, AICP
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

Suite A - 601 Old Cheney Road
Lincoln, NE 68512

Phone (402) 421-2500
Fax (402) 421-7096

Email: lyle@espeng.com

RE: CHANGE OF ZONE FROM 'AG' TO 'R-3' & ANNEXATION
HARTLAND'S CARDINAL HEIGHTS 2nd ADDITION
& VIEW POINTE WEST

Dear Marvin,

On behalf of Hartland Homes, Inc., we submit the above mentioned application for your review. We are requesting that the remaining area in View Pointe West which is now zoned 'AG' be changed to 'R-3'. We also request the same for the additional area included in the recent amendment submittal for Hartland's Cardinal Heights 2nd Addition.

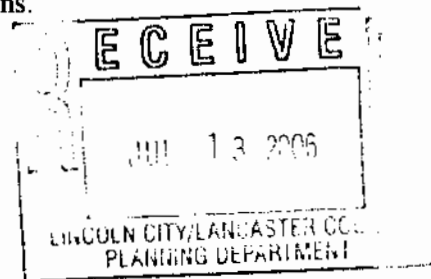
Currently an administrative amendment to View Pointe West Special Permit #1740 and an amendment to Hartland's Cardinal Heights 2nd Addition Special Permit #2045A has been submitted to the Planning Department. The submittals show grading along the west line of both projects which will allow utilities to be supplied to the areas in question.

We are also asking for annexation at this time.

Please do not hesitate to contact me if you have additional questions.

Sincerely,

Marcia L. Kinning



Cc: Hartland Homes, Inc.

Enclosures: 3⁸ Copies of Exhibit
Application for a Change of Zone
Application Fee of \$740.00
Legal Descriptions